

HOUSE BILL NO. 2259

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

6525L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.342 and 162.291, RSMo, and to enact in lieu thereof two new sections relating to disqualification of candidates for election to public office.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.342 and 162.291, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.342 and 162.291, to read as follows:

115.342. 1. Any person who files as a candidate for election to a public office, **including any person seeking office under section 162.291**, shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, **or if the person is delinquent on the payment of any filing fee to the Missouri ethics commission under chapter 105.**

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute, **or any delinquency on the payment of any filing fee to the Missouri ethics commission under chapter 105.** I declare under penalties of perjury that

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 I am not aware of any information that would prohibit me from fulfilling any bonding
19 requirements for the office for which I am filing.

20 Candidate's Signature

21 Printed Name of Candidate.

22 3. [Upon receipt of] **If the department of revenue receives or discovers the existence**
23 **of a complaint alleging a delinquency of the candidate in the filing or payment of any state**
24 **income taxes, personal property taxes, real property taxes on the place of residence, as stated on**
25 **the declaration of candidacy, or if the person is a past or present corporate officer of any fee**
26 **office that owes any taxes to the state, or alleging a delinquency of the candidate on the**
27 **payment of any filing fee to the Missouri ethics commission under chapter 105, the**
28 **department of revenue shall investigate such potential candidate to verify the claim contained**
29 **in the complaint. If the department of revenue finds a positive affirmation to be false, the**
30 **department shall contact the secretary of state, or the election official who accepted such**
31 **candidate's declaration of candidacy, and the potential candidate. The department shall notify**
32 **the candidate of [the] any outstanding [tax] taxes owed and give the candidate [thirty] fifteen**
33 **days to remit any such outstanding taxes owed which are not the subject of dispute between the**
34 **department and the candidate. If the candidate fails to remit such amounts in full within [thirty]**
35 **fifteen days, the candidate shall be disqualified from participating in the current election and**
36 **barred from refiling for an entire election cycle even if the individual pays all of the outstanding**
37 **taxes that were the subject of the complaint. If such outstanding taxes or fees are owed as a**
38 **result of an unsatisfied judgment against the candidate arising from the candidate's failure**
39 **to pay any state income taxes, personal property taxes, real property taxes on the place of**
40 **residence as stated on the declaration of candidacy, or any filing fee to the Missouri ethics**
41 **commission under chapter 105, the candidate's affirmation under subsection 2 of this**
42 **section shall be per se perjury and the candidate shall be immediately disqualified from**
43 **participating in the current election cycle and barred from refiling for office in any**
44 **political subdivision for an entire election cycle even if the individual pays all of the**
45 **outstanding taxes or fees that were the subject of the unsatisfied judgment.**

162.291. The voters of each seven-director district other than urban districts shall, at
2 municipal elections, elect two directors who are citizens of the United States and resident
3 taxpayers of the district[,] **for at least one year immediately preceding their election or**
4 **appointment and** who have resided in this state for one year next preceding their election or
5 appointment, and who are at least twenty-four years of age **at the time of their election or**
6 **appointment, and who have complied with the provisions of section 115.342.**

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